IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24769 of 2004

Between:

1 Ippagunta Venkata Krishna Reddy S/o.Venkata Subba Reddy
Sangam Nellore Dist
2 Ippagunta Nikilesh rep by P.A.H.I.V.Krishna Reddy
S/o.Venkata Krishna Reddy, Sangam Nellore Dist

Represented by their Power of Attorney holder Sri I.V.Krishna Reddy.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Kavali, Nellore district.
2 The Mandal Revenue Officer, Sangam Mandal, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order, writ or direction more particularly a writ of Mandamus Under Article 226 of Constitution of India, declaring the action of 1st respondent in not considering the stay petition filed along with the statutory appeal dt 23-12-2004 filed against the orders of 2nd respondent in his proceedings Rc.No.179/2004 dt 15-11-2004 in respect of an extent of Acs.4.31 cents in Survey No.462-1 and an extent of Acs.5.05 cents in Survey No.462-2 situated in Tarunivaya village, Sangam, Mandal,Nellore Dist pending the statutory appeal and further action of the 2nd respondent in seeking to dispossess the petitioner from the above said extent of land as illegal, arbitrary, unjust and consequently suspend the orders of the 2nd respondent in his proceedings Rc.No.179/2004 dt 15-11-2004 pending the appeal before the 1st respondent.

Counsel for the Petitioner : Mr.P.SRIDHAR REDDY
Counsel for Respondents : G.P. FOR REVENUE

The Court the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

In this writ petition, petitioner is challenging the order dated 15-11-2004 passed by the second respondent in R.C.No.179/2004 in respect of Ac.4.31 cents of dry land comprised in Sy.No.462/1 of Tarunivaya village, Sangam Mandal, Nellore District. The impugned orders were passed by the second respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It is submitted that against the orders passed by the second respondent, petitioner already preferred an appeal before the first respondent under Section 4(A) of the Act, which is pending on the file of the first respondent and the respondents are trying to evict the petitioner without passing any orders on the appeal.

In the circumstances, the writ petition is disposed of directing the first respondent to consider the appeal and the stay application said to have been filed by the petitioner and pass appropriate orders either on the stay application or the appeal, in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage. No costs.

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N.V.RAMANA, J

Date: 30.12.2004

TVK/DA

To

1 The Revenue Divisional Officer, Kavali, Nellore district.
2 The Mandal Revenue Officer, Sangam Mandal, Nellore Dist.

3 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

4 Two CD copies.